

TRIPURA GAZETTE



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PART--I-- Orders and Notifications by the Government of Tripura,
The High Court, Government Treasury etc.

HIGH COURT OF TRIPURA

No.F.3(35)-HC/2024/26488

Dated, Agartala the 19th November, 2024.

NOTIFICATION

In exercise of the powers conferred by **Sub-section(1) of Section 523 of Bharatiya Nagarik Suraksha Sanhita, 2023 (Act 46 of 2023)**, The High Court of Tripura with the previous approval of the State Government is pleased to make the following Rules regarding the grant and regulation of licence and conduct of Petition Writers in Tripura:-

PART-I

GENERAL

1. Short Title, extent and commencement

- (i) These Rules shall be called The High Court of Tripura Petition Writers (Grant and Regulation of Licence and Conduct) Rules, 2024.
- (ii) These Rules shall apply to the Petition Writers practising in all the Criminal Courts including other Courts of Tripura where Bharatiya Nagarik Suraksha Sanhita, 2023 is applicable.
- (iii) These Rules shall come into force on their publication in the official Gazette.

2. Definitions

In these Rules unless otherwise suggested by the context,

- (i) 'Court' means any Criminal or other Courts of Tripura where Bharatiya Nagarik Suraksha Sanhita, 2023 is applicable.
- (ii) 'District Judge' means the District and Sessions Judge of a District as defined in Section 1(xii) of The High Court of Tripura Rules, 2023.
- (iii) 'High Court' means The High Court of Tripura.
- (iv) 'Petition' means a document written for the purpose of being presented in a Court to which these Rules apply.
- (v) 'Petition Writer' means any individual who professionally prepares and drafts petitions on behalf of others for being presented in Courts.
- (vi) 'To practice as a Petition Writer' means to write petitions, as defined above, for hire, and includes the writing of a single petition for hire.

PART-II

LICENSING OF PETITION WRITERS

3. Practice as a Petition Writer:

No person shall practice as a Petition Writer in the State of Tripura unless he has been duly licensed under these Rules.

Provided that these Rules shall not apply to any Advocate or Pleader in respect of a Petition written for presentation to a Court in which he is qualified to practice, whether such petition be written by himself or his Clerk.

4. Number of Licenses:

The number of licenses granted under these Rules shall be as fixed by the District Judge of the particular District, from time to time, according to the volume of work at the District Head Quarters or Sub-Divisional station, as the case may be.

5. Qualifying Examination:

No person shall be licensed to practice as a Petition Writer unless he has qualified the examination prescribed under these Rules.

6. Qualification:

No person shall be licensed as a Petition Writer under these Rules unless he:

- (i) is a permanent resident of the District where he intends to practice;
- (ii) has passed at least the Higher Secondary Examination or equivalent examination of any recognized University or any recognized Board of School education;
- (iii) has attained the age of 21 years on the date of submission of his application to appear in the qualifying examination.

7. Disqualification:

No person shall be licensed to practice as a Petition Writer if he:-

- (i) is a Government servant or a quasi- Government servant or is engaged in any remunerative profession or trade, or
- (ii) is in service of any legal practitioner as a licensed Clerk, or
- (iii) has been convicted for a Criminal offence involving moral turpitude; or
- (iv) has been removed from the Government or quasi-Government service or from the service of a Local body on grounds of misconduct.

8. Notification regarding engagement of Petition Writer:

The District Judge shall notify the required number of Petition Writers to be engaged from time to time, by notifying the same in the official website of the District Court and through other modes and means of publication.

9. Application for Qualifying Examination:

A person desirous of being registered as a licensed Petition Writer shall apply in the prescribed form (**Annexure 'A'**) to the District Judge of the District in which he intends to practice as a Petition Writer and such application shall be accompanied by the following documents:-

- (i) two latest passport size photographs duly self-attested;
- (ii) Certificate of the University or Board regarding academic qualification;
- (iii) Date of birth Certificate;
- (iv) Character certificate from a Gazetted Officer of the Government of Tripura;
- (v) Certificate of bona-fide residence in the District concerned;
- (vi) A declaration that the applicant has never been convicted for a criminal offence or removed from Government, quasi-Government or local body service.

10. Examination fee:

Every application shall be accompanied by examination fee of ₹250/- only payable through Indian Postal Order / Demand Draft in favour of the District Judge of the District concerned.

Provided that in case the applicant is specially abled person, the examination fee shall be ₹150/- only.

11. Processing of Application:

The District Judge shall constitute a Selection Committee headed by himself and comprising of the senior most Grade II and Grade III Judicial Officers of the District which shall conduct the entire selection process.

Such Committee shall, inter alia, scrutinize the applications received and if the Committee is satisfied that the candidate is duly qualified to appear in the examination, shall cause the application to be entered in the Register in prescribed form at **Annexure 'B'**.

12. Notifying examination date:

The date of Written Examination shall be notified through electronic and other means at least fifteen days prior to the date fixed for the examination to each applicant whose applications have been found to be in order.

13. Procedure and Syllabus:

The candidate shall be examined in the topics detailed herein below or such topics as the Selection Committee may, time to time, notify:

- (i) Drafting of FIR, Complaint, Bail Petitions and all other petitions relevant to a Criminal Proceeding, Trial, Appeal, Revision etc.
- (ii) Drafting of any petition which can be preferred under Bharatiya Nagarik Suraksha Sanhita, 2023 before any Court.

14. Question Paper:

The Selection Committee shall prepare question paper to test the practical knowledge of the candidates in topics specified in Rule 13. The paper will be of total 100 marks and of 3 hours duration.

15. Holding of examination:

- (i) The examination will be held at the place notified by the Selection Committee and shall be conducted in such manner as the Committee may, time to time, prescribe.
- (ii) The result of test and the marks obtained by the candidates shall be duly tabulated in a register maintained by the Selection Committee.
- (iii) The result shall be declared by the Selection Committee through electronic and other means. The result of successful candidates shall be communicated to them by sending result cards in prescribed form at **Annexure 'C'**.
- (iv) The list of successful candidates shall be determined and maintained by the Selection Committee strictly on the basis of merit and available vacancies only.

Provided that the minimum qualifying marks shall be 40% of the total marks.

PART-III

GRANT, RENEWAL AND SUSPENSION OF LICENCE

16. Grant of License:

- (i) A successful candidate shall make an application within thirty days from the date of declaration of result to the District Judge concerned for the grant of license in the prescribed form at **Annexure 'D'**.
- (ii) The District Judge shall grant license in the prescribed form at **Annexure 'E'** in accordance with the merit list.

17. License and Renewal fee-Register of Petition Writers:

A fee of ₹ 50/- only shall be charged for each license on enrolment. Such license shall remain valid only upto 30th day of December in each year and will be renewed between the 1st and 31st day of December, on payment of renewal fee of ₹ 50/- only. Licenses issued shall be entered in the Register to be maintained by the office of the District Judge in prescribed form at Annexure 'F'.

18. Conditions on which the license remains in force:

A license granted to a Petition Writer under these Rules will authorize him to practice as a petition writer during its currency, until -

- (i) its operation is suspended or upon surrender of license; or
- (ii) license is revoked or cancelled under Rule 31.

19. Production and Suspension of License:

Every licensed Petition Writer shall, between the 1st and 31st day of July of each year, produce or if he ordinarily practices in a Sub-Divisional Judicial station, forward through that Court, his license, for the inspection of the District Judge. A note of such production and inspection with the date will be entered on the license. If a Petition Writer fails to comply with this Rule, his name will be posted on the Notice Board of the Court in which he ordinarily practices, with an order that the operation of his license is suspended, and that he will be liable to penalties, if found practising whilst such order of suspension is in force.

Provided that if the Petition Writer produces his license for inspection at any time within one month after the expiry of the due date and if it be shown to the satisfaction of the District Judge that the failure to produce the license within the scheduled time was due to sufficient cause, the order of suspension may be withdrawn subject to a charge of late fee of ₹50/- only.

20. Loss or damage to license:

If a licensed Petition Writer loses the license granted to him under these Rules, he may apply to the District Judge concerned for a duplicate license. The application shall be made in writing supported by an affidavit and shall be presented by the applicant in person. The District Judge, if satisfied that the original license has been lost, shall, on payment of requisite

fees of ₹ 50/- only by the applicant, cause a duplicate license to be issued in the same form and bearing the same date and number as the lost license and shall cause the words "**DUPLICATE LICENSE**" to be enfaced thereon with the date of issue and shall sign such enfacement.

If a license is damaged due to any reason, it may be replaced in the manner heretofore provided in the case of the license being lost. However, the damaged license shall be surrendered to the District Judge along with the application for a duplicate license.

PART-IV CONDUCT OF PETITION WRITER

21. Register to be maintained by Petition Writer:

- (i) Every Petition Writer licensed under these Rules shall keep a single register for each calendar year in the prescribed form at **Annexure 'G'** and shall enter therein the details of every petition written by him in that particular year. Blank spaces shall not be left by a Petition Writer in the register. Should one occur, the Petition Writer shall forthwith have it cancelled by the District Judge or his nominated Judicial Officer.
- (ii) Before the end of every year the register shall be inspected by the District Judge or his nominated Judicial Officer.
- (iii) Every Petition Writer working at the District Headquarters shall personally deposit, and the Petition Writers working outside the District Headquarters shall send their registers through the senior most Judge of the station for being deposited, in the record room of the District concerned within one month after the expiry of the calendar year. In case a Petition Writer fails to deposit the register in the record room of the District and Sessions Judge within one month of the expiry of the calendar year, he shall have his license suspended and in case of the register not being deposited within the next three months after the expiry of the one month, referred to hereinbefore, the license shall be cancelled.

Provided that no action under this sub-rule shall be taken without affording an opportunity to the Petition Writer to be heard.

22. Petition Writer's Seal:

Every licensed Petition Writer shall, at his own expense, provide himself with an official

seal containing the details given below and such seal shall be stamped on each document written by him along with his signature:

- (i) Name of the Petition Writer
- (ii) License number
- (iii) Date

23. Manner of drafting petition:

Every licensed Petition Writer in writing petitions shall confine himself to expressing in plain and simple language the version of the petitioner in a concise and proper form.

24. Declaration to be made on the petition by the Petition Writer:

Every licensed Petition Writer shall record, at the foot of every petition written by him, a declaration under his signature, that to the best of his knowledge and belief, the petition expresses the true meaning of the petitioner's version and that its contents have been fully explained to the petitioner.

25. Bar on employment of other persons to write petitions:

No licensed Petition Writer shall dictate petition to, or cause a petition to be written by, a person who is not a licensed Petition Writer.

26. Writing unnecessary petitions:

A licensed Petition Writer shall not instigate any person, to cause to be written by himself or by any other licensed Petition Writer, any petition which he knows to be unnecessary.

27. Fee to be charged:

No licensed Petition Writer shall charge fees more than the rates fixed in the schedule prescribed for the purpose in these Rules.

28. Prohibition to claim share in the profits of litigation:

No licensed Petition Writer shall charge payment from a petitioner on successful conclusion of a litigation or claim share in the profits of litigation in connection with which he

was engaged to write one or more petitions.

29. Surrender of License:

Every licensed Petition Writer -

- (i) who resigns; or
- (ii) who enters Government service or the service of Legal Practitioner; or
- (iii) whose license has been suspended, revoked or cancelled under these Rules shall, forthwith and not later than within a week from the date of the order of suspension/ cancellation and/or revocation is served upon him, surrender his license to the District Judge.

30. Striking out of the name:

Every Petition Writer who gives up practicing as such for over two years shall have his name struck off the register without any notice to him.

31. Revocation/ Cancellation of a License:

A license issued under these Rules shall be liable to be revoked or cancelled by the District Judge if the Petition Writer:-

- (i) has been found guilty of abetment or participation in any illegal transaction or unfair dealings; or
- (ii) has been found guilty of disobedience of any lawful order; or
- (iii) has been found guilty of a conduct unbecoming of Petition Writer; or
- (iv) is found to have tampered with any Court record; or
- (v) uses disrespectful or insulting or abusive language in the course of his business as Petition Writer; or
- (vi) is found to be unfit to practice as a Petition Writer by reason of any fraudulent or improper conduct in the discharge of his duties; or
- (vii) is convicted of a criminal offence involving moral turpitude; or
- (viii) is found to have charged excessive amount for writing petitions; or
- (ix) is found to have acted in violation of any of these Rules; or
- (x) for any other sufficient cause.

Provided that no order of revocation or cancellation shall be passed before affording an

opportunity to the Petition Writer to be heard.

32. Entry in restricted places in Court Complex:

No Petition Writer shall, without the permission of Presiding Officer of the Court, enter into any restricted place or office in the Court Complex in which he is practising.

33. Liability for unauthorized practice:

A person who practices as a Petition Writer without obtaining a license under these Rules or while the license is suspended or has not been renewed, shall be liable of being proceeded against under appropriate Penal Laws for such unauthorised practise.

34. Order to re-write a petition:

A Court may order a licensed Petition Writer to re-write at his own cost any petition written by him in contravention of Rule 23 or which is illegible, obscure, prolix or contains any irrelevant matters or misquotation or is due to any other cause objectionable and may record note on the license to this effect.

35. Order prohibiting practice:

The District Judge may, for any sufficient cause to be recorded in writing, under his signature, prohibit any Petition Writer from practicing as such and shall forthwith endorse or cause to be endorsed the substance and date of the order on the license under signature and seal.

Every order of prohibition passed under this Rule shall be communicated to every Court where the Petition Writer had been practicing.

36. Penalty for disobedience of Rules:

Any person who practices as a Petition Writer contrary to the provisions of these Rules shall be liable to a penalty not exceeding ₹500/- which may be imposed by the District Judge. In case a person fails to pay the penalty or any part thereof, which may be imposed under this Rule, the same shall be recoverable as arrears of land revenue through the Collector of the District concerned from the immovable property of the defaulter in accordance with law governing recovery of land revenue from time to time.

37. Authority competent to impose penalty:

The District Judge shall be the competent authority to impose penalty on the defaulting Petition Writer for any breach of Rules or other misconduct punishable under these Rules.

38. Inquiry and punishment:

Subject to the provisions of Rule 36, the District Judge may take cognizance of any breach of Rules or other misconduct punishable under these Rules either on his own motion, or on the report or complaint of any other Court or person and may after such inquiry as he may consider necessary, impose on the person charged any penalty prescribed by these Rules;

Provided that no order under this Rule shall be passed against any person unless he is given an opportunity to be heard.

39. All orders passed to be endorsed on license:

Every order passed against a Petition Writer (including any warning given in lieu of penalty) shall be recorded on the reverse side of his license by the District Judge and in the Register at Annexure 'G'.

40. Residuary Powers:

Nothing in these Rules shall be deemed to affect the powers of the High Court to make such orders from time to time as it may deem fit in regard to all matters forming part of the subject matter of these Rules and all matters incidental or ancillary thereto not specifically provided for herein.

41. Power of High Court to relax:

The High Court may relax any of the provisions of these Rules at any time if it is of the opinion that such provision causes undue hardship to anyone governed by these Rules.

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(Vishwajeet Pandey)
REGISTRAR GENERAL

SCHEDULE

Nature of Document	Rate of Fee
All Petitions including Memorandum of Appeal, FIR, Complaint, Bail Petition, Adjournment Petition etc.	₹200/- per A4 Size page having Font Size of 12 & Space 1.5 to be borne by the person taking service of the Petition Writer.

NOTE:-

The above mentioned Rate of Fee can be periodically revised by the High Court with the previous approval of the State Government.

ANNEXURE 'A'

Format for Application

Advertisement No. :

1. Name in full (in Block letters):

2. Father's/Husband's Name:

3. Permanent Address including
Phone number and e-mail ID :

Affix self-
attested
recent passport
size photograph
here.

4. Address for correspondence:

5. Date of Birth : Date : Month: Year :

6. Whether SC/ST/OBC/GEN/PH :

(If SC/ST/OBC/PH, documentary proof to be furnished)

7. Nationality :

8. (a) Educational Qualifications in chronological order beginning from SSC(10th Onwards):

Name of the Examination Passed	Year of Passing	Name of the Board/University	Subject studied	Division/% of marks obtained

(b) Work Experience in chronological order, starting with the first job:

Name & address of Employer	Period of service From To		Designation of post & scale of pay	Total length of service	Nature of work & level of responsibilities

9. Whether presently in any job. If yes then job is in Govt./PSU/Autonomous Institutions/Private :

10. Whether permanent/temporary/ad-hoc in the present job:

11. Details of Indian Postal Order/Demand Draft:

12. Any other information relevant:

Declaration

I hereby declare and certify that all the statements made in this application are true and correct to the best of my knowledge and belief. If any of the particulars furnished by me are found to be incorrect or suppressed, my candidature is liable to be rejected at any stage during or after selection process. Further, I understand that this position is purely temporary in nature, if it is found after my engagement that the particulars furnished by me are incorrect or suppressed, my engagement is liable to be terminated without any notice.

Place..... Signature of the Candidate.....

Date..... Name.....

ANNEXURE 'B'

FORM OF REGISTER FOR PETITION WRITERS' EXAMINATION

Year _____ Date of Examination _____ District _____

1.	Serial No.	
2.	Name, parentage and residential address of the candidate	
3.	Date of Birth	
4.	Qualification	
5.	Address of the candidate for correspondence	
6.	Whether appeared at the written test or not? -Yes/No	
7.	Whether qualified or failed?	
8.	Position obtained, if qualified	
9.	Date on which application for licence was received	
10.	Place of Business	
11.	Date on which licence, if any, was granted	
12.	Remarks	

ANNEXURE 'C'

FORM OF RESULT CARD

Roll No. _____

To

Shri _____

1. This is to inform you that you have been declared successful in the Petition Writer's examination held on _____ and secured _____ position in the merit list.
2. You are required to apply for the grant of a Licence, against the notified vacancy in the enclosed form within one month from today failing which your name will be liable to be deleted from the list of successful candidates.
3. It is further clarified that qualifying the test will not entitle you to the grant of licence and the right to be considered for the grant of licence will be subject to vacancy.

DISTRICT JUDGE

ANNEXURE 'D'

**FORM OF APPLICATION FOR ISSUE OF LICENCE TO PRACTISE AS A
PETITION WRITER**

REGISTERED

To

The District Judge,

Sir/Madam

I have qualified the Examination held for Licensing of Petition Writers at _____ in the month of _____ (Year) obtaining _____ position under Roll No. _____. An attested copy of the Result card is attached herewith. A fee of ₹50/- only in Court fee stamp(s) has/have been affixed by me on the application. It is requested that the Licence to practise as Petition Writer with a place of business at _____ may kindly be issued in my favour.

Yours faithfully,

Name:

Address of the applicant:

Date:

ANNEXURE – 'E'

FORM OF LICENCE

In the Court of _____

Photo of Petition
Writer

Certified that Shri/Smt. _____ son/daughter/wife of Shri
_____ resident of _____ whose photograph is
affixed above on this day been licensed as Petition Writer in _____
District with his place of business at _____ and is hereby permitted
to practice as such in the manner prescribed by The High Court of Tripura
Petition Writers (Grant and Regulation of Licence and Conduct) Rules, 2024
and subject to provisions of the said Rules till the 31st day of December,
_____ at _____.

DISTRICT JUDGE
(SEAL)

ANNEXURE – F'

(Register of Licensed Petition Writers to be maintained by the District Judge)

1.	Number of License	
2.	Name of Petition Writer	
3.	Sl. No. in the Register of Examination	
4.	Place of Business	
5.	Date of grant of Licence	
6.	Date of number of the sanction order	
7.	Date of each Inspection	
8.	Date of grant of duplicate licence, if any	
9.	Date and authority of every transfer of the place of business	
10.	A copy of every endorsement made on the Licence	
11.	Date and nature of penalty imposed under the Rules	
12.	Date on which licence ceases or suspended with reason	
13.	Date of restoration of Licence	

ANNEXURE 'G'

FORM OF REGISTER TO BE MAINTAINED BY THE PETITION WRITER

Sl. No.	Date on which petition was written	Name, parentage, residence of the person at whose instance the petition was written	Description of the petition	Brief extracts of contents of petition	Value of court fee labels affixed to the petition	Fee charged for writing petition	Name & Description of the Court where petition was presented	Signature or thumb impression of the person at whose instance the petition was written	Signature of the Petitioner	Remarks
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.

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Registrar General